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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 COLLEGE REPUBLICANS OF THE  
11 UNIVERSITY OF WASHINGTON;  
12 CHEVY SWANSON, an Individual,

13 Plaintiffs,

14 vs.

15 ANA MARI CAUCE, individually and in  
16 her official capacity as president of the  
17 University of Washington; GERALD J.  
18 BALDASTY, individually and in his official  
19 capacity as provost and executive vice  
20 president; RENE SINGLETON,  
21 individually and in her official capacity as  
22 assistant director, Student Activities;  
23 CHRISTINA COOP, individually and in  
24 her official capacity as senior activities  
25 advisor, Student Activities; JOHN N.  
26 VINSON, individually and in his official  
27 capacity as Chief of the University of  
Washington, Seattle, Police Department;  
CRAIG WILSON individually and in his  
official capacity as University of  
Washington, Seattle, Police Department  
Patrol Commander; and DOES 1-25;

Defendants.

NO. 2:18-cv-00189-MJP

SECOND AMENDED COMPLAINT  
FOR CIVIL RIGHTS VIOLATIONS  
AND RELATED CLAIMS

DEMAND FOR JURY TRIAL

1  
2 Plaintiffs University of Washington College Republicans and Chevy Swanson  
3 (collectively "Plaintiffs") bring this action against Defendants Ana Mari Cauce,  
4 individually and in her official capacity as president of the University of Washington;  
5 Gerald J. Baldasty, individually and in his official capacity as provost and executive vice  
6 president of the University of Washington; Rene Singleton, individually and in her  
7 official capacity as assistant director, Student Activities at the University of Washington,  
8 Seattle ("UW Seattle"); Christina Coop, individually and in her official capacity as senior  
9 activities advisor, Student Activities at the UW Seattle; John N. Vinson, individually and  
10 in his official capacity as Chief of the UW Seattle Police Department; Craig Wilson,  
11 individually and in his official capacity as UW Seattle Department Patrol Commander;  
12 and DOES 1-25, for nominal, compensatory, punitive, declaratory and injunctive relief.  
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## 15 INTRODUCTION

16 1. This action seeks to protect and vindicate fundamental rights. It is a civil  
17 rights action brought under the First and Fourteenth Amendments against government  
18 actors responsible for imposing draconian and unreasonable security fees on Plaintiffs  
19 as a condition for permitting them to host a conservative speaker in Red Square within  
20 the UW Seattle campus. The imposition of a \$17,000 security fee for a Saturday afternoon  
21 event featuring an evangelical Christian speaker is remarkable. But UW Seattle justifies  
22 it only on the basis of an unconstitutional heckler's veto, in essence, rewarding members  
23 of society so intolerant of and hostile to hearing views they find objectionable they must  
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1 threaten and/or commit violence to protect themselves from such views. By imposing  
2 such an exorbitantly large security fee on the Plaintiffs, Defendants, and each of them,  
3 are responsible for ratifying an unconstitutional heckler's veto, taxing protected speech  
4 and rewarding those who disrespect the solemn and precious freedoms safeguarded  
5 within the First Amendment.  
6

## 7 JURISDICTION AND VENUE

8 2. This action arises under the First and Fourteenth Amendments to the  
9 United States Constitution, and is authorized pursuant to 42 U.S.C. § 1983 in relation to  
10 Defendants' deprivation of the Plaintiffs' constitutional rights. Accordingly, this Court  
11 has federal question jurisdiction under 28 U.S.C. §§ 1331 & 1343.  
12

13 3. Venue is proper under 28 U.S.C. § 1391(b). Each and all of the acts alleged  
14 herein were done by Defendants within King County, Washington.  
15

16 4. This Court is authorized to grant a Declaratory Judgment under the  
17 Declaratory Judgment Act, 28 U.S.C. §§ 2201-02, implemented through Rule 57 of the  
18 Federal Rules of Civil Procedure, and to issue the injunctive relief requested by Plaintiff under  
19 Rule 65 of the Federal Rules of Civil Procedure; the requested injunctive relief under 28 U.S.C.  
20 § 1343(3); the requested damages under 28 U.S.C. § 1343(3); and attorneys' fees and costs under  
21 42 U.S.C. § 1988.  
22

## 23 PARTIES

### 24 A. Plaintiffs

25 5. Plaintiff College Republicans of the University of Washington is a  
26 registered student organization of the University of Washington, Seattle.  
27

1           6.       Plaintiff Chevy Swanson is an individual residing in the City of Seattle, a  
2 student at the University of Washington, Seattle, and president of the College  
3 Republicans of the University of Washington.  
4

5           **B. UW Seattle Defendants**

6           7.       Defendant Ana Mari Cauce, is sued individually and in her and official  
7 capacity as president of the University of Washington.  
8

9           8.       Defendant Gerald J. Baldasty is sued individually and in his official  
10 capacity as provost and executive vice president of the University of Washington.  
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12           9.       Defendant Rene Singleton is sued individually and in her official capacity  
13 as assistant director, Student Activities, of the University of Washington.  
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15           10.      Defendant Christina Coop, individually and in her official capacity as  
16 senior activities advisor, Student Activities, of the University of Washington.  
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18           11.      Defendant John N. Vinson is sued individually and in his official capacity  
19 as Chief of the University of Washington Police Department.  
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21           12.      Defendant Craig Wilson is sued individually and in his official capacity as  
22 Patrol Commander within the University of Washington Police Department.  
23

24           13.      Plaintiffs are unaware of the true names and/or capacities of defendants  
25 sued herein as DOES 1-25 ("UW Seattle DOES") and therefore sue said defendants by  
26 such fictitious names. Plaintiffs will amend this Complaint to allege their true names  
27 and capacities when ascertained. Plaintiffs believe and allege that each of the DOE  
defendants is legally responsible and liable for the incident, injuries, and damages set

1 forth in this Complaint. Each defendant proximately caused injuries and damages  
2 because of their active participation in the subject incident, and/or because of their  
3 negligence, breach of duty, negligent supervision, management or control, violation of  
4 public policy, or tortious conduct. Each defendant is liable for his/her personal conduct,  
5 vicarious or imputed negligence, fault, or breach of duty, whether severally or jointly,  
6 or whether based upon agency, employment, ownership, entrustment, custody, care or  
7 control or upon any other act or omission. Plaintiffs will ask leave to amend this  
8 Complaint subject to further discovery and investigation.  
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## 11 **FACTUAL BACKGROUND**

### 12 **A. UW Opens Its Facilities For Expressive Use By The Public**

13 The "Central Plaza" at UW is also known as Red Square after its red brick paving.  
14 UW holds Red Square out as a public forum for expressive use ("This large plaza is  
15 really the central gathering place on campus."); UW website, "Outdoor Events &  
16 Reservations"; <https://facilities.uw.edu/catalog/outdoor-events> ("Weddings,  
17 banquets, fun runs, pep rallies, luncheons, plays, open houses, displays and art shows  
18 are just some of the events that have been held on the campus grounds."). In fact, it is  
19 among the more popular venues for events. *Id.* ("Some of the more popular spaces  
20 include ... Red Square...."). Red Square is not limited to use by students, staff or faculty,  
21 but by "campus visitors (without a NetID)" as well. *Id.*  
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1           **B.      UW's Event Security Fee Policy**

2           14.     In January 2017, the College Republicans hosted an event featuring  
3 political provocateur Milo Yiannopolous in Kane Hall on the UW Seattle campus. *Id.*,  
4 Exh. 1, Decl. Swanson, ¶ 3. The event drew significant blowback from members of the  
5 community who contacted the University hoping to have the event cancelled. *Id.*  
6

7           15.     Plaintiff Swanson was event coordinator for the College Republicans and  
8 directly involved in planning for the Yiannopolous event. *Id.*, ¶ 4. Swanson and other  
9 club members met multiple times with campus administration. *Id.* Initially, the  
10 administration estimated security, building rental, equipment and staffing would cost  
11 the group \$1,000. *Id.* In subsequent meetings, they were given a revised estimate of  
12 \$5,000 and \$7,000. *Id.* At no time, did the administration officials explain the rising cost  
13 estimates except to say that because they were expecting heightened protests, the cost  
14 of security would increase to cover additional officers. *Id.*  
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17           16.     On January 20, 2017, the night of the Yiannopolous event, approximately  
18 400 people gathered in Red Square to cue up for the event. *Id.*, ¶ 5. At approximately 5  
19 p.m., a number of black-clad individuals wearing masks carrying sticks and flagpoles  
20 showed up breaking bricks, attempting to bust down barricades and harassing people.  
21  
22 *Id.*

23           17.     At approximately 7 p.m. an altercation occurred in which a protester was  
24 shot. Two people were charged with assaulting the protester. *Id.*, ¶ 6. As a result of the  
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1 Yiannopolous event requiring substantial security, the University adopted a "Safety and  
2 Security Protocols for Events" policy. *Id.* The policy states in relevant part:

3  
4 When the use of campus facilities involves events, activities, and  
5 programs that are likely to significantly affect campus safety,  
6 security, and operation, the University will perform an analysis of  
7 all event factors. This could result in additional conditions and  
8 requirements placed on the host organization in order to maintain  
9 the safety and security of all organizing parties, guests attending,  
10 and the broader campus community. Safety and security concerns  
may include, but are not limited to, history or examples of violence,  
bodily harm, property damage, significant disruption of campus  
operations, and those actions prohibited by the campus code of  
conduct and state and federal law.

11 During the planning process, host organizations or groups are  
12 responsible for making the University aware of any known histories  
13 and/or issues of safety and security concerns. The University (i.e.,  
14 venue coordinator and UWPD) may review all event details and  
15 logistics to determine necessary safety and security protocols.  
16 Additionally, if previously unknown or new safety and security  
17 concerns arise during the planning process, the University will  
18 review the event details and may alter any conditions and  
19 requirements. Any determination by authorized campus officials  
20 will be based on an assessment of credible information other than  
21 the content or viewpoints anticipated to be expressed during the  
event. Other events taking place on or near campus will be taken into  
consideration in the security review. Required security measures  
may include, but are not limited to, adjusting the venue, date, and  
timing of the event; providing additional law enforcement; imposing  
access controls or security checkpoints limiting costumes or items  
carried; and/or creating buffer zones around the venue.

22 The host organization or group will be required to pay costs of  
23 reasonable event security as determined in advance by the  
24 University. These costs include, but are not limited to security  
25 personnel, costs to secure the venue from damage, and special  
26 equipment as determined by law enforcement. Security fees will be  
27 based on standard and approved recharge rates for UWPD, other  
security personnel, and associated equipment costs or rentals.  
Should the University place supplementary security protocols prior

1 to or during the event to provide adequate security to help mitigate  
2 any originally unforeseen security concerns, additional security fees  
3 may be charged to host organizations or groups. Host organizations  
4 are financially responsible for damage, inside or outside of the  
venue, caused by members of their organization or their invitees.

5 The University reserves the right, in rare circumstances, to cancel an  
6 event if based on information available it is reasonably believed that  
7 there is a credible threat which unreasonably places the campus  
community at risk of harm.

8 *Id.*

9 18. The College Republicans raised money to cover the security fees through  
10 a gofundme campaign. *Id.*, ¶ 7. After the event, the College Republicans received an  
11 invoice from the University for \$9,121, which they paid from the money received from  
12 the gofundme campaign. *Id.* However, the College Republicans did not plan other  
13 events in 2017 due to their inability to cover the exorbitant security costs they  
14 anticipated needing. *Id.*

15 19. In October 2017, an individual associated with Patriot Prayer, Kyle  
16 Broussard, contacted Swanson offering to have the group's founder and leader, Joey  
17 Gibson, come to the campus on November 22, 2017, for an indoor speaking event. *Id.*, ¶  
18 8. Patriot Prayer is an informal group of evangelical Christians formed and led by  
19 Gibson to convey a message of peace. *Id.* Its Facebook page says it is about "using the  
20 power of love and prayer to fight the corruption both in the government and citizen  
21 levels that seek to gain power through division and deception."<sup>1</sup> *Id.* Despite this  
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26 <sup>1</sup> [https://www.facebook.com/pg/PatriotPrayerUSA/about/?ref=page\\_internal](https://www.facebook.com/pg/PatriotPrayerUSA/about/?ref=page_internal).



1 description, Gibson has been the target of physical assault by Antifa and similar violent  
2 left-wing activist groups who label him a white supremacist and Nazi. *Id.*

3  
4 20. In October 2017, Swanson, along with other members of the College  
5 Republicans, met with Defendant Renee Singleton, assistant director of Student  
6 Activities, and Christina Coop, senior activities advisor for Student Activities, to discuss  
7 planning for the Patriot Prayer event. *Id.*, ¶ 9. Defendant Singleton told Swanson that  
8 security costs would be high due to security concerns. *Id.* Singleton also told Swanson  
9 that Patriot Prayer is a controversial group and would present major security problems.  
10 *Id.* Based on those representations, the College Republicans decided not to move  
11 forward with the event. *Id.*

12  
13 21. In January 2018, the College Republicans discussed holding a Patriot  
14 Prayer event outdoors to defray the costs associated with room, equipment and some  
15 of the security costs. *Id.*, ¶ 10. The group reached out to Gibson to inquire about  
16 scheduling an outdoor event in February 2018. *Id.*

17  
18 22. Swanson met again with campus advisors to discuss planning for a  
19 February outdoor event. *Id.*, ¶ 11. On February 1, 2018, Defendant Craig Wilson, Patrol  
20 Commander with the UW Seattle Police Department, told Swanson the cost of security  
21 would be \$17,000 due to expected violent protests. *Id.* Wilson did not explicitly detail  
22 the reasons for such a large security fee. *Id.* No other group has been charged such an  
23 excessively large security fee in the past. *Id.*, Exh. 1, UWPD Security Costs for 2016-17,  
24 obtained through a Washington State Public Records Request.  
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1           23.     Prior to the event, Defendant Cauce issued a warning to students and  
2 members of the campus community to avoid Red Square, effectively hindering the  
3 success of the Event by spreading the fear of violence. "Through civil debate, we can  
4 tackle difficult issues," University of Washington Office of the President Blog, February  
5 9, 2018, [https://www.washington.edu/president/2018/02/09/through-civil-debate-](https://www.washington.edu/president/2018/02/09/through-civil-debate-we-can-tackle-difficult-issues/)  
6 [we-can-tackle-difficult-issues/](https://www.washington.edu/president/2018/02/09/through-civil-debate-we-can-tackle-difficult-issues/)(" I encourage you to avoid Red Square, and the  
7 surrounding area from 8 a.m. to 5 p.m. on Saturday to ensure your own personal  
8 safety.").

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11           24.     Although the Event was held on February 10, 2018, in Red Square, the  
12 College Republicans and those attending it for the purpose of hearing Joey Gibson speak  
13 numbered only approximately 50 people and were substantially outnumbered by a  
14 significantly larger number of protesters, hecklers and thugs. Police were a significantly  
15 larger presence as well.

16  
17           25.     After the Event, Defendant Cauce defamed the College Republicans by  
18 referring to them as a "group that many associate with racist views" and who many  
19 believe were seeking to provoke violence and grab attention. "A Difficult Saturday,"  
20 University of Washington Office of the President Blog, February 12, 2018,  
21 <https://www.washington.edu/president/blog/>.

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1           **C.     UW's Security Fee Policy, Facially And Applied To Plaintiffs, Requires**  
2           **Reference To The Reactions Of Violent Mobs Targeting Politically**  
3           **Conservative Speakers**

4           UW determines the amount of security fees it assesses against a group based  
5 upon the reaction to controversial speakers by hostile agitators. Dkt. No. 15, Vinson  
6 Decl. at 6 ("UWPD researched threats to the speaker or group hosting the event. In this  
7 case, there appear to routinely be assaults against Joey Gibson at prior events, including:

- 8
  - 9           • January 27, 2018, rally in Olympia where he was pepper sprayed
  - 10           • August 27, 2017, rally in Berkeley where he was assaulted and pepper
  - 11           • Late May-early June, 2017, when Gibson publically acknowledged

12           receiving multiple death threats

13           UWPD takes these assaults and threats to life into consideration in determining the  
14 security presence needed to keep the speaker safe while he is present on campus."").  
15 Indeed, security fees established for events featuring controversial speakers associated  
16 with politically left-wing viewpoints are not comparable to event security fees for public  
17 appearances by controversial conservative speakers because their appearances do not  
18 attract hostile agitators. Defendant Vinson has acknowledged the disparagement  
19 between security fee costs for speakers who do not attract hostile protesters and those  
20 that do and that the cost of an appearance by controversial figure Milo Yiannopolous at  
21 UW would exceed \$9,000 due to protests that occurred during his appearance there in  
22 2017, but controversial Black Lives Matter activist Shaun King, who appeared on  
23 campus without encountering protests, would be charged about \$4,000 if he were to  
24 return to campus. Dkt. No. 27, Becker Decl., ¶ 5.

1           **D.     Plaintiffs Are Individually Responsible For Paying The Security Fee**

2           26.     Swanson is currently president of the UW College Republicans. Dkt. No.  
3 27, Swanson Decl. ¶ 1. On multiple occasions, Swanson met with student event advisors  
4 to discuss planning for a Saturday, February 10, 2018, event (“Event”) featuring Joey  
5 Gibson, a Christian speaker who goes by the dba, Patriot Prayer. *Id.*, ¶¶ 9, 11-12. During  
6 those discussions, Swanson was advised that each of the College Republican members  
7 would be held personally responsible for payment of the security fee assessment and  
8 that the estimated amount of the security fee prior to the Event was \$17,000. *Id.*, ¶ 12.  
9 Swanson advised his club’s members that he would bear financial responsibility for the  
10 Event. *Id.* However, Swanson is incapable of satisfying such a large sum of money. *Id.*

13           **E.     Plaintiffs Intend To Engage In Expressive Activity At UW In The**  
14           **Future**

15           27.     Plaintiffs intend to engage in protected speech activities in the future at  
16 UW, including within Red Square. Other registered student groups at UW are  
17 realistically likely to take advantage of the use of UW’s open venues for protected  
18 speech activities as well. A realistic danger that the Security Fee Policy will significantly  
19 compromise First Amendment protections for Plaintiffs as well as parties not before the  
20 Court exists and student speech activities are being chilled due to Defendants’ adoption  
21 of the Security Fee Policy.  
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## LEGAL CLAIMS

### FIRST CLAIM FOR RELIEF

Violation of the First Amendment (42 U.S.C. § 1983)  
(Freedom of Speech)  
(All Plaintiffs Against All UW Seattle Defendants)

28. Plaintiffs incorporate by reference the allegations in the preceding paragraphs, as if fully set forth herein.

29. Red Square is a traditional public forum, or at least a designated public forum – as it must be, under state-wide regulations, and long-standing Supreme Court precedent. Accordingly, UW Seattle is required to allow plaintiffs to bring speakers of their own choosing to speak on campus, free from viewpoint discrimination, content-based speech restrictions that are not narrowly tailored to serve a compelling government interest, and content-neutral time, place and manner restrictions that are not narrowly tailored to serve an important government interest or that fail to leave open ample alternative channels for the communication of the message.

30. Defendants, acting under color of state law and according to UW Seattle policy, custom, pattern, and practice, have failed to meet these constitutional standards by adopting and enforcing a facially and as-applied unconstitutional security fee policy that grants Defendants unfettered discretion to impose unreasonable security fees; which Defendants have enforced according to the their whim and taste, or the demands of an off-campus mob of masked agitators.

1           31. Defendants' actions fail to meet constitutional scrutiny because the  
2 security fee policy is facially and as-applied unreasonable, and was adopted and  
3 enforced in a viewpoint discriminatory manner, with the effect of chilling,  
4 marginalizing, or banning the expression of conservative viewpoints on the UW Seattle  
5 campus.  
6

7           32. The security fee policy is unconstitutionally vague, and therefore void as  
8 a matter of law, both on its face, and as it is being applied to Plaintiffs.  
9

10           33. As a direct and proximate consequence of Defendants' violation of  
11 Plaintiffs' federal civil rights under 42 U.S.C. § 1983 and the First Amendment, Plaintiffs  
12 have suffered and will suffer irreparable injury that cannot fully be compensated by an  
13 award of monetary damages.  
14

15           34. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to  
16 declaratory relief and temporary, preliminary, and permanent injunctive relief  
17 invalidating and restraining enforcement of the restrictions allowed or required by the  
18 security fee policy. Additionally, plaintiffs are entitled to monetary damages arising  
19 from the unconstitutional actions of Defendants and each of them, sued herein in their  
20 individual capacities, as well as reasonable costs of suit.  
21

22           35. Plaintiffs found it necessary to engage the services of private counsel to  
23 vindicate their rights under the law. Plaintiffs are therefore entitled to an award of  
24 attorneys' fees pursuant to 42 U.S.C. § 1988.  
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1 **SECOND CLAIM FOR RELIEF**

2 Violation of the First Amendment (42 U.S.C. § 1983)  
3 (Freedom of Assembly)  
4 (All Plaintiffs Against All UW Seattle Defendants)

5 36. Plaintiffs incorporate by reference the allegations in the preceding  
6 paragraphs, as if fully set forth herein.

7 37. The First Amendment prohibits government from abridging the right of  
8 the people to assemble peaceably. Freedom of assembly is the individual right or ability  
9 of people to come together and collectively express, promote, pursue, and defend their  
10 ideas. The right to freedom of association is recognized as a human right, a  
11 political right and a civil liberty.  
12

13 38. Defendants, and each of them, abridge Plaintiffs' right to assemble by  
14 imposing a draconian and unreasonable security fee for their scheduled event, thereby  
15 creating and enforcing a de facto prohibition on their right to assemble without  
16 government-approved endorsement of their message.  
17

18 39. As a direct and proximate consequence of Defendants' violation of  
19 Plaintiffs' federal civil rights under 42 U.S.C. § 1983 and the First Amendment, Plaintiffs  
20 have suffered and will suffer irreparable injury that cannot fully be compensated by an  
21 award of monetary damages.  
22

23 40. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to  
24 declaratory relief and temporary, preliminary, and permanent injunctive relief  
25 invalidating and restraining enforcement of the restrictions allowed or required by the  
26  
27

1 security fee policy. Additionally, plaintiffs are entitled to monetary damages arising  
2 from the unconstitutional actions of Defendants and each of them, sued herein in their  
3 individual capacities, as well as reasonable costs of suit.  
4

5 41. Plaintiffs found it necessary to engage the services of private counsel to  
6 vindicate their rights under the law. Plaintiffs are therefore entitled to an award of  
7 attorneys' fees pursuant to 42 U.S.C. § 1988.  
8

### 9 **THIRD CLAIM FOR RELIEF**

10 Violation of the First Amendment (42 U.S.C. § 1983)  
11 (Retaliation)  
(All Plaintiffs Against All UW Seattle Defendants)

12 42. Plaintiffs incorporate by reference the allegations in the preceding  
13 paragraphs, as if fully set forth herein.  
14

15 43. Plaintiffs and their members have engaged in constitutionally protected  
16 speech, namely, holding and expressing conservative viewpoints by inviting  
17 conservative speakers to speak on the UW Seattle campus.

18 44. By treating Plaintiffs and their members differently from similarly  
19 situated students, student organizations, and members of the public because they are  
20 conservative and because of their conservative beliefs, among other things, Defendants,  
21 acting under color of state law and according to policy and practice, have retaliated  
22 against Plaintiffs and their members for holding and expressing disfavored views, and  
23 in so retaliating, have engaged in conduct that would chill a person of ordinary firmness  
24 from continuing to engage in the protected speech activity.  
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45. Plaintiffs and their members' actions in holding and expressing disfavored views was a substantial and motivating factor in Defendants' retaliation against them by imposing unlawful restrictions on Plaintiffs and their members' federal civil rights secured under 42 U.S.C. § 1983 and the First Amendment, causing Plaintiffs to suffer and continue in the future to suffer irreparable injury that cannot be fully compensated by an award of monetary damages.

46. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to declaratory relief and temporary, preliminary, and permanent injunctive relief invalidating and restraining Defendants' retaliation against BCR and its members for their utterances of protected speech.

47. Additionally, Plaintiffs are entitled to monetary damages arising from the unconstitutional actions of Defendants, and each of them, sued herein in their individual capacities, as well as reasonable costs of suit.

48. Plaintiffs found it necessary to engage the services of private counsel to vindicate their rights under the law. Plaintiffs are therefore entitled to an award of attorneys' fees pursuant to 42 U.S.C. § 1988.

#### FOURTH CLAIM FOR RELIEF

Violation of the Fourteenth Amendment (42 U.S.C. § 1983)  
(Due Process)  
(All Plaintiffs Against All UW Seattle Defendants)

49. Plaintiffs incorporate by reference the allegations in the preceding paragraphs, as if fully set forth herein.

1           50. Defendants, acting under color of state law and according to a policy,  
2 pattern and practice, have enacted a security fee policy, which is vague, overbroad, and  
3 improperly affords Defendants unfettered discretion in its application, and therefore  
4 deprives Plaintiffs of their clearly established due process rights guaranteed by the  
5 Fourteenth Amendment to the United States Constitution.  
6

7           51. As a direct and proximate consequence of Defendants' violations of  
8 Plaintiffs federal civil rights under 42 U.S.C. § 1983 and the Fourteenth Amendment,  
9 Plaintiffs have suffered and will suffer irreparable injury that cannot fully be  
10 compensated by an award of monetary damages.  
11

12           52. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to  
13 declaratory relief and temporary, preliminary, and permanent injunctive relief  
14 invalidating and restraining enforcement of the security fee policy. Additionally,  
15 Plaintiffs are entitled to monetary damages arising from the unconstitutional actions of  
16 Defendants, and each of them, sued herein in their individual capacities, as well as  
17 reasonable costs of suit.  
18

19           53. Plaintiffs found it necessary to engage the services of private counsel to  
20 vindicate their rights under the law. Plaintiffs are therefore entitled to an award of  
21 attorneys' fees pursuant to 42 U.S.C. § 1988.  
22

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1 **FIFTH CLAIM FOR RELIEF**

2 Violation of the Fourteenth Amendment (42 U.S.C. § 1983)  
3 (Equal Protection)  
4 (All Plaintiffs Against All UW Seattle Defendants)

5 54. Plaintiffs incorporate by reference the allegations in the preceding  
6 paragraphs, as if fully set forth herein.

7 55. By treating Plaintiffs and their members, differently from similarly  
8 situated students, student organizations, and members of the public because they are  
9 conservative and because of their conservative beliefs, among other things, Defendants,  
10 acting under color of state law and according to policy and practice, have engaged in  
11 actions that discriminate on the basis of political status and belief and have therefore  
12 deprived Plaintiffs of their clearly established equal protection rights guaranteed by the  
13 Fourteenth Amendment to the United States Constitution.  
14

15 56. As a direct and proximate consequence of Defendants' violations of  
16 Plaintiffs' federal civil rights under 42 U.S.C. § 1983 and the Fourteenth Amendment,  
17 Plaintiffs have suffered and will suffer irreparable injury that cannot be fully  
18 compensated by an award of monetary damages.  
19

20 57. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to  
21 declaratory relief and temporary, preliminary, and permanent injunctive relief  
22 invalidating and restraining enforcement of the security fee policy. Additionally,  
23 Plaintiffs are entitled to monetary damages arising from the unconstitutional actions of  
24  
25

26 **PRAYER FOR RELIEF**

1 WHEREFORE, Plaintiffs respectfully pray for relief and judgment against  
2 Defendants, jointly and severally, as follows, in amounts according to proof:

- 3 1. For judgment in favor of Plaintiffs against Defendants;
- 4 2. For all damages legally and/or proximately caused to Plaintiffs by  
5 Defendants in an amount to be determined at trial;
- 6 3. For a declaration that Defendants violated 42 U.S.C. § 1983;
- 7 4. For a declaration that Defendants violated the First and Fourteenth  
8 Amendments to the United States Constitution;
- 9 5. For nominal damages for the past loss of their constitutional rights as set  
10 forth in this Complaint;
- 11 6. For compensatory damages according to proof;
- 12 7. For punitive and exemplary damages for all claims for which such  
13 damages are authorized;
- 14 8. For preliminary, and permanent injunctive relief prohibiting Defendants  
15 from enforcing their unconstitutional content-based Security Fee Policy against  
16 Plaintiffs and those similarly situated and from unconstitutionally ratifying a heckler's  
17 veto by inhibiting Plaintiff's First Amendment and Fourteenth Amendment rights of  
18 speech, expression, assembly and association and those rights belonging to third parties  
19 in the future.
- 20 9. For an award of reasonable attorneys' fees, costs and expenses pursuant  
21 to 42 U.S.C. § 1988 other applicable law;
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1           10.     For costs of suit incurred herein; and

2           11.     For such other and further relief as the Court deems just and proper.

3  
4           DATED this March 22, 2018

5                           ELLIS, LI & McKINSTRY PLLC

6                           *s/ Kyle D. Netterfield*

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14                          Attorneys for Plaintiffs, College  
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16                          Washington and Chevy Swanson

17                          FREEDOM X

18                          *s/ William J. Becker, Jr.*

19                          William J. Becker, Jr.  
20                          (Pro Hac Vice)  
21                          Freedom X  
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27                          Attorneys for Plaintiffs, College  
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SECOND AMENDED COMPLAINT  
No. 2:18-cv-00189-MJP

1  
2 I hereby certify that on this 23rd day of March, 2018, I electronically filed the  
3 foregoing document with the Clerk of the United States District Court using the  
4 CM/ECF system which will send notification of such filing to all parties who are  
5 registered with the CMECF system.  
6

7 DATED this 23rd day of March, 2018

8 By: /s/ William J. Becker, Jr.  
9 William J. Becker, Jr. (Pro Hac Vice)  
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